

# Town of Los Altos Hills

## City Council Regular Meeting Minutes

Thursday, January 14, 2010  
Council Chambers, 26379 Fremont Road

### CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Warshawsky called the City Council Regular Meeting to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Mayor Dean Warshawsky, Mayor Pro Tem Breene Kerr, Councilmember Rich Larsen (joined meeting at 7:05 p.m. participated in consideration of all agenda items), Councilmember Jean Mordo and Councilmember Ginger Summit

Absent: None

Staff: City Manager Carl Cahill, Planning Director Debbie Pedro, City Engineer/Public Works Director Richard Chiu, Finance Director Nick Pegueros, Consultant Planner Cynthia Richardson, City Attorney Steve Mattas, and City Clerk Karen Jost

### APPOINTMENTS AND PRESENTATIONS

1. Presentation from the Supporters of Westwind Community Barn (Grant for Westwind Barn Restoration) – Jeanne Seeley, President

Mayor Warshawsky welcomed Jeanne Seeley, Colette Cranston, Valerie Metcalfe and Denise Williams, Board members of Supporters of Westwind Community Barn. Ms. Seeley, Supporter's President, addressed Council and explained that they were before Council with their official response to the Town's request for grant funds to be used towards the Westwind Community Barn restoration project. Seeley had a poster size check representative of their grant made to the Town in the amount of \$150,000.00. She noted that the non-profit group had committed to fundraising for the Barn for several years and been proactive advocates for the facility. The Supporters had made a conscientious effort to maintain a level of awareness of the importance of preservation of the Barn within the community and with the City Council.

Mayor Warshawsky and the Council thanked them for their efforts to preserve Westwind Community Barn. Council encouraged them to continue the important dialogue with the residents and Council.

It was noted that Board members Elaine Nelson, Mary Pat Gaspich, Doreen Andriacchi and Cheryl Acheson were unable to attend the grant presentation due to scheduling conflicts but had been very active in the fundraising efforts of the group.

2. Presentation of 2009 Applied Materials Silicon Valley Turkey Trot “Akeena Solar Mayor’s Cup Challenge” Award-Silicon Valley Leadership Group

Peter Skinner, Silicon Valley Leadership Group and Barry Cinnamon, Akeena Solar, addressed Council. They congratulated the Los Altos Hills City Council on their successful bid for the Mayor’s Cup, a race component of the Applied Materials Silicon Valley Turkey Trot. This year’s race sponsored by Applied Materials had drawn over 11,000 participants and raised \$300,000 for four Silicon Valley charities including the Housing Trust and Second Harvest Food Bank. Council was presented with a trophy that will be displayed at Town Hall.

3. Appointments to Standing Committees

Pathways Committee

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Summit and passed unanimously to appoint Courtenay Corrigan to the Standing Pathways Committee for a second term of four years.

Open Space Committee

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Summit and passed unanimously to appoint Alice Sakamoto to the Standing Open Space Committee for a second term of four years.

4. Council Appointments to Committees and Outside Agencies

Following a brief discussion, the City Council appointments were made as follows:

Town Standing Committee

Community Relations  
Education  
Emergency Communications  
Environmental Design and Protection  
Environmental Initiatives  
Finance/Investment  
History  
Open Space  
Parks and Recreation  
Pathways  
Water Conservation  
Volunteer Awards

Council Liaison

Kerr  
Warshawsky/Summit (alternate)  
Larsen  
Summit  
Larsen/Kerr (alternate)  
Mordo (voting member)  
Mordo  
Summit  
Mordo/Warshawsky (alternate)  
Kerr/Summit (alternate)  
Mordo  
Summit

Outside Agencies

Association of Bay Area Governments (ABAG)  
Local Agency Formation Commission (LAFCO)  
Emergency Preparedness Council  
League of California Cities- Peninsula Division  
North County Library Authority  
Joint Powers Authority Library Board

Warshawsky/ Kerr (alternate)  
Kerr  
Larsen/Mordo (alternate)  
Summit  
Mordo  
Mordo



reputations as outstanding communities. Council, staff and the audience joined in the congratulations.

### PUBLIC HEARINGS

8. Consideration of Resolutions to Join CaliforniaFIRST Program and Authorize Sacramento County to Apply for State Energy Program Funds on Behalf of the Town of Los Altos Hills

Planning Director Debbie Pedro introduced the item to Council. Council had before them two resolutions for their consideration. The first resolution would authorize the Town to join the CaliforniaFirst Program; and the second resolution would authorize Sacramento County to apply for State Energy Program Funds on behalf of the Town.

Pedro provided an overview of the CaliforniaFirst Program that had been instituted by California Communities to allow property owners in participating cities and counties to finance renewable energy, energy efficiency and water efficiency improvements on their property. If the property owner chose to participate in the Program, the improvements would be financed by the issue of bonds with contractual assessments levied by California Communities on the owner's property to repay the portion of the bonds issued to finance the improvements on that property.

Pedro reviewed the benefits to the property owner and benefits to the Town that would be realized by the Program. Pedro explained that the proposed resolution authorized payment of a set-up fee for legal procedural and technology costs associated with the CaliforniaFirst Program. Grant funding would be sought to cover the costs. If the grant funding to cover the start-up costs were not realized, the start-up costs for Santa Clara County and all the cities within the County would be \$170,000. The cost to the Town would be \$10,000. At that time, the Town could decide not to participate in the Program or determine if it was reasonable to proceed without grant funding.

### OPENED PUBLIC HEARING

Peter Evans, Chair, Standing Environmental Initiatives Committee, commented that the CaliforniaFirst Program would have a beneficial impact on the Town. It would permit more residents to make energy efficiency improvements to their homes and assist the Town in achieving the Council approved goals for greenhouse gas reduction.

### CLOSED PUBLIC HEARING

Council consensus was to support the Town's participation in the Program.

**MOTION SECONDED AND CARRIED:** Moved by Larsen, seconded by Summit and passed unanimously to approve Resolution No. 2-10 authorizing the Town of Los Altos Hills to join the CaliforniaFirst program.

**MOTION SECONDED AND CARRIED:** Moved by Larsen, seconded by Summit and passed unanimously to approve Resolution No. 3-10 authorizing Sacramento County to apply for State Energy Program Funds on behalf of the Town of Los Altos Hills.

9. Introduction of an Ordinance to amend the Fences, Walls, Gates and Columns Ordinance (Section 10-1.507 C&D) to prohibit the construction of fences, walls, and/or gates with points, spikes, and/or sharpened edges which can cause harm to people, pets, and/or wildlife. CEQA Review: Categorical Exemption per Section 15061(b)(3) (Staff-D. Pedro)

Planning Director Debbie Pedro introduced the item to Council. She provided an overview of the proposed ordinance amendments. At the September 24, 2009, regular City Council meeting, the Open Space Committee had requested Council consideration of minor amendments to the Fence Ordinance to prohibit the use of points, spikes, and/or sharpened edges on new fences, walls and gates. The Committee had initiated the request as a preventive measure to eliminate the risk of injury to wildlife and potentially harm to people or pets. The amendment was reviewed by the Planning Commission in November, 2009. The Commission had recommended approval of the proposed amendments to the Fence Ordinance by a 4-1 vote with Commissioner Abraham casting the dissenting vote.

Pedro proceeded with a PowerPoint Presentation that illustrated the types of fences that would be acceptable and those that would be prohibited. She reviewed the fence applications for the past two years with Council. The Town had issued 53 permits, 16 were for wrought iron fences and four of those had ornamental sharp tips/points. Under the new regulations, the four identified applications would be denied.

#### OPENED PUBLIC COMMENTS

No public comments were given.

#### CLOSED PUBLIC COMMENTS

In response to Council questions regarding existing fences, Planning Director Pedro clarified that the proposed ordinance would be applicable to new fence applications only. Existing fences with spikes or points would be legal non-conforming structures and required to be brought into conformance if more than 50% of the fence were to be replaced.

**MOTION SECONDED AND CARRIED:** Moved by Summit, seconded by Mordo and passed unanimously to waive reading and introduce Ordinance # 517.

10. LANDS OF TOWN OF LOS ALTOS HILLS (Applicant: Verizon Wireless): 26379 Fremont Road; A request for a Site Development Permit and Conditional Use Permit for a wireless communications facility consisting of six, four foot tall panel antennas to be co-located on an existing 70 foot tall monopine and associated ground equipment at Town Hall. CEQA Review: Categorical Exemption per Section 15301 (Staff: D. Pedro)

Consultant Planner Cynthia Richardson introduced the item to Council. The application before Council was a request by Verizon Wireless for a new wireless communications facility to be co-located on the existing monopine at Town Hall. The proposal called for the installation of six new, four foot tall panel type antennas to be flush mounted on the monopine at approximately 58 feet from the ground. The new antenna location would necessitate the relocation of two existing town emergency antennas on the monopine. The Town owned cutting/storage shed would be used for the facilities ground equipment.

The Planning Commission had reviewed the project and voted 4-1 with Commissioner Partridge recusing himself to recommend approval of the proposed Site Development and Conditional Use Permit for a period of 10 years.

Richardson proceeded with a PowerPoint Presentation that included an aerial of the site and existing monopine constructed by AT&T, photo simulations of the proposed project, views of the relocated Emergency Communications Committee's antennas and the Verizon coverage plans before and after the proposed installation.

Richardson advised the Council that a comment letter had been received by resident Mark Breier, Esperanza Drive. A letter from Mr. Brier had also been received prior to the Planning Commission hearing. Mr. Breier's concerns pertained to the health risks of exposure to radio frequency. The correspondence was included in the staff report before Council.

Richardson reviewed the Federal Telecommunications Act of 1996 with Council. Pursuant to the Act, the Town could not deny the application based on health concerns. It was noted that Verizon had filed an RF exposure report for the application. The report, included in the Council packet, had evaluated the site and found that the proposal was in compliance with the appropriate guidelines for limiting human exposure to radio frequency and the combined emissions from the Verizon and AT&T antennas was below FCC standards.

Bill Hammett, Hammett & Edison Consulting Engineers, addressed Council. In response to a Councilmember inquiry regarding standards of emission and differences between the effect on adults and children, he noted that there was no difference. The standards incorporate a 50x safety factor to provide a prudent margin of safety for all people. The regulation is based on a 24 hour use. Mr. Hammett was the applicant's consultant.

#### OPENED PUBLIC HEARING

Gabriella Barr, Verizon representative, addressed Council. She noted that the project had been "stealth" designed to be co-located within the existing monopine located at Town Hall. The goal was to make the new antennas as "invisible" as possible. Copies of the project drawings had been included in the Council packet.

#### CLOSED PUBLIC HEARING

Council discussion ensued. City Manager Cahill explained that the site lease for the facilities equipment would return to the City Council for their consideration at a future meeting. Council discussed the feasibility of adding an additional vendor in the future.

Planning Director Pedro noted that the public hearings (Planning Commission and City Council) on the project had been properly noticed.

**MOTION SECONDED AND CARRIED:** Moved by Mordo, seconded by Larsen and passed unanimously to approve the requested Site Development and Conditional Use Permit to applicant Verizon Wireless for a period of 10 years subject to the Conditions of Approval in Attachment 1 and findings of approval in Attachment 2 of the staff report.

### UNFINISHED BUSINESS

#### 11. Town Goal

##### *Hidden Villa Annexation Update:*

Planning Director Debbie Pedro provided a project update to Council. Staff had met with the Hidden Villa annexation task force on Tuesday, January 12, 2010. Topics of discussion had included the revised annexation boundary, the Heifer International “Global Village” project and the future zoning designation for Hidden Villa.

Pedro summarized the key talking points of the meeting. Hidden Villa had confirmed their concurrence with the Town’s proposal to re-draw the boundary of the proposed annexation to conform to the Los Altos Hills County Fire District (LAHCFD) boundary. Heifer International was currently working with the County on their “Global Village” project at Hidden Villa. Previously, there had been concerns that the project could potentially delay the annexation date but the organization had decided to submit their project application concurrently with the County and the Town to eliminate any issues regarding the date of the annexation. Town staff has had discussions with their design team to ensure that the project would be in compliance with Town setback standards.

Pedro reviewed Hidden Villa’s zoning concerns. Their current designation as a County property is Hillside (HS) development. The County zoning regulation allows one unit per 20 acres of residential property. Hidden Villa has expressed a desire to maintain that development potential. Pedro reviewed the two areas that could be available for development. She noted that the majority of the proposed annexed area was restricted by a conservation easement. The two small areas under discussion for possible development were located along Moody Road.

Pedro reported that the Town had received the title report for Hidden Villa. Following review of the report there appeared to be a discrepancy with one property that would need an adjustment on the LACFD boundary. Staff would be discussing the issue with LAFCO within the week.

Council discussed correspondence from resident Allan Epstein regarding the fiscal impact of the proposed annexation. City Manager Cahill advised that the specific financial data was not complete at this time. It would be available for the public hearings required for the annexation.

#### 12. Naming of Edith Avenue/Fremont Road Park

City Clerk Karen Jost introduced the item to the City Council. At their October 22, 2009 meeting, Council had discussed naming options for the park located at the corner of Edith Avenue and Fremont Road. The Standing History Committee had been directed to review appropriate names for the park and make a recommendation.

The History Committee had submitted a document authored by former Los Altos Hills Mayor Robert Cheney in 1976 proclaiming the site as "Anza Corner". The document, which appeared to be a speech given by Cheney at a Bi-Centennial event, was included in the Council packet. Staff had researched Town documents and no additional supporting documentation or formal council action had been found.

Council briefly discussed the dedication document. There was a consensus of the Council to request an official recommendation from the Standing History Committee on an appropriate name for the park. Anza Corner was one option that could be considered by the Committee.

### NEW BUSINESS

13. Consideration of an Ordinance Amending Los Altos Hills Municipal Code Title 2 Administration, Chapter 1. City Council, Article I. Meetings, Section 2-1.101.

City Clerk Karen Jost introduced the item to the City Council. The proposed ordinance would amend the City Council meeting dates. The Clerk noted that Los Altos Hills Councilmembers' meeting obligations with both Town committees and outside agencies had expanded significantly over the last several years. This had been distinctly illustrated at the top of the council meeting with the agenda item pertaining to Councilmember appointments to serve as Council Liaisons to the Standing Committees and as Town representatives to outside agencies. The Town currently has 12 standing volunteer committees each with a monthly meeting. In addition, Councilmembers represent the Town on 14 outside agencies including the VTA, Santa Clara Valley Water District and the North County Library Authority. Councilmembers commit substantial amounts of time in collaborating with volunteer committees on topics as diverse as parks and recreation and energy efficiency. The Clerk noted that one item that had not been included in the spreadsheet of Councilmember appointments during the earlier discussion, were the numerous ad hoc advisory committees that they also serve on with resident members to address specific policy challenges such as water conservation, Residential Site Development Guidelines and utility undergrounding.

To address the often over-extended meeting calendar and to enhance the efficient conduct of the public's business, the proposed ordinance was being recommended. It would set the number of regular City Council meetings per month from two to one with additional meetings to be scheduled on an as needed basis pursuant to Municipal Code Section 2.1.102. No additional amendments to the meeting time or order of business were being proposed.

Jost noted that the Towns of Atherton and Hillsborough also utilize a one City Council meeting per month schedule. Both jurisdictions are similar to the Town in terms of land area, land use characteristics, population and demographics. For the past eight years, the



Town's Planning Commission has also convened a single regularly scheduled meeting per month.

Council Discussion:

Mayor Pro Tem Kerr offered that the proposal would provide an opportunity for the staff to work more efficiently and effectively on Town projects and resident issues. It was noted that Council meetings had been cancelled over the past twelve months without an interruption in Town business. He concurred that the proposal was sensitive to the Council's commitments to committees and outside agencies.

There was a Council consensus that the proposed meeting schedule would be more efficient.

Council briefly discussed meeting dates. It was determined that Thursday was more amenable to work and business travel schedules of Council Members.

MOTION SECONDED AND CARRIED: Moved by Larsen, seconded by Mordo and passed unanimously to waive reading and introduce the ordinance as amended (third Thursday of each month) to set the regular meetings of the Council. Ordinance 518

14. City Council January/February Meeting Schedule

MOTION SECONDED AND CARRIED: Moved by Larsen, seconded by Kerr and passed unanimously to cancel the January 28, February 11 and February 25, 2010 regularly scheduled City Council meetings and to schedule a Special Meeting for February 18, 2010.

PLANNING COMMISSION REPORT

Planning Director Debbie Pedro provided a verbal report on the January 7, 2010 Planning Commission Meeting. Five Public Hearings had been conducted at the meeting: two items (Conditional Use Permits) would be forwarded to the City Council for their review and approval; three Site Development Permit requests had been considered including Lands of Nashashibi (approved 3-2 vote), Lands of Larson (approved 5-0 vote) and Lands of Bilger (approved 5-0 vote). Lands of Nashashibi had been appealed by Councilmember Mordo and would be considered by the City Council at their next meeting. Project staff reports and Conditions of Approval for Lands of Larson and Lands of Bilger would be forwarded to the City Council by the City Clerk.

REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Councilmember Summit reported that she had attended the Standing Environmental Design and Protection Committee. No action to report.

Mayor Pro Tem Kerr reported that he had recently attended several forums on climate issues including a "Build It Green" Bay Area Council meeting and Joint Venture Silicon Valley Climate Protection task force meeting. Kerr advised Council that the project at Westwind Community Barn was nearing completion. He encouraged the Council to visit

the site. The Town's application for a low interest loan to fund the installation of the solar thermal water project had been approved by the CEC.

Councilmember Larsen reported that he had participated in a week long earthquake emergency management training at the California Specialized Training Institute (CSTI) in San Luis Obispo. He joins Councilmembers Mordo and Summit in achieving his certification as an emergency manager. Larsen added that he had joined the Silicon Valley Leadership Group's Bay Area Climate Collaborative. He has volunteered to recruit 101 cities to join the group with the goal to reduce greenhouse gases. The Town's Standing Environmental Initiatives Committee will be reviewing the option of the Town signing on to participate in the collaborative. Larsen spoke to his recent appointment to the VTA Board of Directors by the north county cities group.

Mayor Warshawsky reported that the Standing Education Committee would be forwarding a draft resolution to the City Council for their consideration at a future Council meeting. The resolution addresses education issues and litigation between the Bullis Charter School and Los Altos School District. Warshawsky noted that the Undergrounding Ad Hoc Committee was continuing the review and assessment of different options for undergrounding utilities.

#### STAFF REPORTS

City Manager  
City Attorney  
City Clerk

*No staff reports were presented.*

#### ADJOURNMENT

There being no further business, the meeting was adjourned by consensus of the City Council at 9:45 p.m.

Respectfully submitted,

Karen Jost, City Clerk

The minutes of the January 14, 2010 regular City Council meeting were approved as presented at the February 18, 2010 special City Council meeting.